

## **FISCAL NOTE**

### **SB 3671 - HB 3832**

March 12, 2006

**SUMMARY OF BILL:** Raises from six to eight years of age the maximum victim's age for which the offense of knowingly inflicting injury on a child is a Class D felony rather than a Class A misdemeanor. Raises from six to eight years of age the maximum victim's age for which the offense of knowing neglect or child endangerment is a Class E felony rather than a Class A misdemeanor. Raises from 13 to 18 years of age the maximum victim's age for the Class A misdemeanor offense of knowing neglect or child endangerment.

#### **ESTIMATED FISCAL IMPACT:**

**Increase Local Govt. Revenues – Not Significant**

**Increase Local Govt. Expenditures – Not Significant**

**Increase State Expenditures - \$98,700 / Incarceration\***

#### Assumptions:

- Child abuse, neglect, and endangerment are currently Class A misdemeanors unless a child is injured and is six years of age or less, which is a Class D felony, or the child's health and welfare are adversely affected and the child is six years of age or less, which is a Class E felony.
- According to the Department of Correction, 34 persons were incarcerated for the offenses of child abuse, neglect, and endangerment in FY 2004-05. The Department assumes that there will be a 33.3 percent increase in persons charged with felony convictions for child abuse, neglect or endangerment and that 50% of these will be charged with a Class D felony and 50% with a Class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- Eleven additional persons will be convicted of Class D and Class E offenses of child abuse, child neglect and child endangerment in the first year. Population growth of 1.09 percent per year will result in one additional offender charged with these offenses in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by

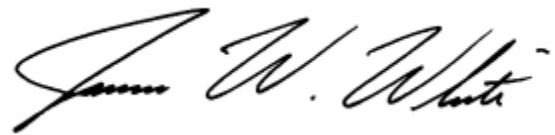
Tenn. Code Ann. § 9-4-210, is based upon 12 offenders. Six will be charged with a Class D felony offense and six will be charged with a Class E felony offense.

- Six offenders will serve 0.6 years (219.15 days). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate is \$10,961.88 (\$50.02 x 219.15 days). The total operating cost for six offenders is \$65,771.25 (\$10,961.88 x 6).
- Six offenders will serve 0.3 years (109.58 days). The cost per inmate is \$5,481.19 (\$50.02 x 109.58). The total operating cost for six offenders is \$32,887.14 (\$5,481.20 x 6).
- Some increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenues from fees, taxes, and costs collected. However, such increases will not be significant.

\* Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director